

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-310-C - ORDER NO. 2004-166
SEPTEMBER 27, 2004

IN RE: Application of Teleglobe USA, LLC for)	ORDER GRANTING
Approval of Assignment of South Carolina)	MOTION FOR <i>MD</i>
Assets, including its Certificate of Authority)	EXPEDITED REVIEW
to Provide Telecommunications Services in)	and APPLICATION FOR
South Carolina to Teleglobe America, Inc.)	TRANSFER OF ASSETS

This matter comes before the Public Service Commission of South Carolina (the "Commission") by way of the Application of Teleglobe USA, LLC ("TUSA" or the "Company") requesting the approval of the transfer of its South Carolina assets, including its Certificate of Authority to provide telecommunications services in South Carolina, to Teleglobe America, Inc. ("TAI"). The Company's Application was filed pursuant to S.C. Code Ann. §58-9-310 (Supp. 2003) and the Regulations of the Public Service Commission of South Carolina.

The Commission's Executive Director instructed TUSA to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of TUSA's Application and of the manner and time in which to file the appropriate pleadings for participation in the proceeding. TUSA complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. No Petitions to Intervene or Protests were filed in this matter.

On December 19, 2003, TUSA subsequently filed a Motion for Expedited Review pursuant to 26 S.C. Code of Regulations 103-820 and 103-840 for approval of its Application. Along with the Motion, TUSA provided the Commission with verified testimony of Michael C. Wu, General Counsel for TAI, and documentation evidencing that TAI possesses the financial, operational, and managerial resources required to provide high quality service at competitive rates, terms and conditions. TAI is the parent company of TUSA and recently acquired 100% of the stock of TUSA pursuant to the approval of this Commission on June 25, 2003, in Docket No. 2003-52-C.

FINDINGS OF FACT

1. TUSA is organized as a corporation under the laws of the State of Delaware and is authorized to do business as a foreign corporation in the State of South Carolina by the Secretary of State.
2. TUSA does not currently have any customers in the State of South Carolina.
3. TAI is a Delaware Corporation authorized to do business as a foreign corporation in the State of South Carolina by the Secretary of State.
4. TUSA recently merged with and into its parent corporation, TAI, with the approval of this Commission and is authorized to operate as a provider of telecommunications services in South Carolina by Order of this Commission in Order No. 2003-431, in Docket No. 2003-52-C, and wishes to transfer its South Carolina assets, including its authority to do business in the State of South Carolina, to TAI.

5. TAI has the experience, capability, and financial resources to provide telecommunications services in South Carolina to the same standard as those approved for TUSA.

6. No timely protests or Motions for Intervention were filed in this matter in response to TUSA's publication of notice requesting this Commission's approval of the transfer of its South Carolina assets, including its Certificate of Authority.

7. TAI has certified that it will provide service using the same network, billing systems and customer service operations as those used by TUSA and previously approved by this Commission.

CONCLUSIONS OF LAW

1. TUSA's Motion for Expedited Review is granted on the basis of the aforestated facts and under the authority of Commission Regulations 103-820 and 103-840.

2. Based on the above findings of fact, the Commission concludes that a transfer of TUSA's assets in South Carolina, including its Certificate of Authority, to TAI is in the public interest and should be granted under S.C. Code Ann. Section 58-9-310 (Supp. 2003) to allow TAI to provide telecommunications services in South Carolina.

3. TAI has certified to the Commission that TAI will offer rates which are equal to or less than those currently being offered by TUSA and in accordance with the tariff's approved for TUSA by this Commission. In its certification order, TUSA was granted "Modified Alternative Regulation" for its business service offerings, including operator assistance and calling card services. As TAI is obtaining TUSA's Certificate of

Authority through the instant transfer of assets, we conclude TAI's tariff filings shall be monitored under the same "Modified Alternative Regulation" as was approved for TUSA.

IT IS THEREFORE ORDERED THAT:

1. The transfer of TUSA's assets in South Carolina, including TUSA's Certificate of Authority, to TAI is hereby granted.

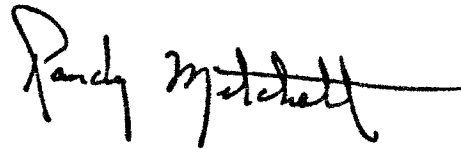
2. With respect to TAI's business service offerings, operator assistance, and calling card offerings, the Commission adopts a relaxed regulatory scheme identical to that granted to AT&T Communications in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C. Under this relaxed regulatory scheme, tariff filings for business services shall be presumed valid upon filing. The Commission will have seven (7) days in which to institute an investigation of any tariff filing. If the Commission institutes an investigation of a particular tariff filing within the seven days, the tariff filing will then be suspended until further Order of the Commission. Any relaxation in the future reporting requirements that may be adopted for AT&T shall apply to TAI also. These alternative regulation orders were modified by Order No. 2001-997 in Docket No. 2000-407-C which imposed a cap on operator-assisted calls where a consumer uses a local exchange carrier's calling card to complete calls from locations which have not selected the local exchange carrier as their toll provider. The provisions of Order No. 2001-997 with its modification to the Commission approved alternative regulation also apply to TAI.

3. TAI shall operate in compliance with this Commission's Order No. 2003-431, dated June 25, 2003, Docket No. 2003-52-C, and TAI is directed to comply with all

Rules and Regulations of the Commission, unless a regulation was specifically waived by the Commission in the aforementioned Order or is specifically requested by application.

4. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

A handwritten signature in black ink, appearing to read "Randy Mitchell", with a long horizontal stroke extending to the right.

Randy Mitchell, Chairman

ATTEST:

A handwritten signature in black ink, appearing to read "G. O'Neal Hamilton", with a long horizontal stroke extending to the right.

G. O'Neal Hamilton, Vice Chairman

(SEAL)